

FARMINGTON CITY COUNCIL MEETING

May 15, 2018

WORK SESSION

Present: Mayor Jim Talbot; Councilmembers Rebecca Wayment, Doug Anderson, Cory Ritz, Brigham Mellor, Brett Anderson; City Manager Dave Millheim, City Development Director David Petersen, City Planner Eric Anderson, City Engineer Chad Boshell, Water Superintendent Larry Famuliner, Chief Wayne Hansen, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden

Excused: Cory Ritz, Rebecca Wayment

Jim Talbot called the meeting to order at 6:10 p.m.

Station Park West Traffic Engineering Issues Assessment

Timothy Taylor of WCEC Engineers presented his report related to Station Park West. His report addressed the need and timing for construction of a raised median on Park Lane from 1100 West to Station Parkway, the feasibility of a traffic signal at the intersection of Park Lane /Cabelas Drive/University Avenue, proposed access spacing locations/configurations associated with the extension of 1100 West, north of Park Lane, and the operational capacity of the Station Parkway/Cabelas Drive/Grand Avenue traffic signal. Some of these items are part of the City's Master Transportation plan. The recommendation was to move forward with a raised median on Park Lane which would restrict all turning movements on the section of Park Lane to right-in/right-out only. **Chad Boshell** said this could be done with restriping of 1100 West at the traffic circle to minimize the learning curve of a new traffic pattern. **Dave Millheim** noted that related costs of building the median were impact fee eligible.

Tim Taylor noted that the traffic signal at Park Lane /Cabelas Drive/University Avenue would be unable to accommodate future traffic volumes. He also noted that the signal at Station Parkway/Cabelas Drive/Grand Avenue traffic signal can accommodate current and future traffic patterns.

There was some discussion about the extension of 1100 West. The Evans are working on a site plan for the project that will impact road alignments.

Dave Millheim said that staff would begin working on the RFP for the design and construction of the raised median.

REGULAR SESSION

Present: Mayor Jim Talbot; Councilmembers Rebecca Wayment, Doug Anderson, Cory Ritz, Brigham Mellor, Brett Anderson, Cory Ritz (via phone); City Manager Dave Millheim, City Development Director David Petersen, City Planner Eric Anderson, City Engineer Chad Boshell, Water Superintendent Larry Famuliner, Chief Wayne Hansen, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden

Excused: Rebecca Wayment

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:01 p.m.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

The invocation was offered by Mayor **Jim Talbot** and the Pledge of Allegiance was led by Boy Scout **Carson Stewart**.

Emma Marston, represented the Youth City Council. She is currently a sophomore at Viewmont High School, but will be attending Farmington High for the 2018-2019 school year.

PUBLIC HEARINGS:

Miscellaneous Zoning Ordinance Amendments

Jim Talbot introduced the rules of the Public Hearing and requested those present to limit their comments to three minutes, and be mindful not to repeat information previously presented but rather add new information with their comments.

Eric Anderson presented the staff report and said that most of the changes proposed were routine in nature. The first change helps to clarify the site development review process, with the city planner reviewing applications that are routine and administrative and the Planning Commission reviewing conditional uses. The second change notes that accessory dwelling units shall be subordinate in height and area to the main building. The third change updates a secondary dwelling unit from a conditional to a permitted use in a multifamily zone. The fourth change makes pedestrian walkways in mixed-use zones discretionary. The fifth change would allow temporary use of land and structures to become an administrative approval through the City Manager rather than the City Council. The last change amends regulations around secondary dwelling units and removes the limitation of utility metering.

Mayor Jim Talbot opened the public hearing at 7:13 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.

Motion:

Brigham Mellor moved that the City Council approve the enclosed amendments to the zoning ordinance as set forth in the May 15, 2018 staff report and the enclosed enabling ordinance related thereto and findings a-f.

Doug Anderson seconded the motion which was approved unanimously.

Findings:

- a. The ordinance is currently ambiguous and inconsistent as to who reviews and approves different permitted and conditional uses, and site plans; this zone text amendment clarifies the ordinance.
- b. Because many accessory uses in the agriculture zones require buildings such as barns or sheds that exceed the height and/or area of the main building, accessory dwelling units are currently not required to be subordinate to the primary residence. This amendment ensures that all (*buildings containing*) accessory dwelling units are indeed an accessory use, and are subordinate in height and area to the main building.
- c. Amending the ordinance making secondary dwelling units a permitted use in the multi-family residential zones is making the ordinance more consistent with itself, as two-family dwellings are already listed as permitted in these zones. The definition of secondary dwelling units precludes the use of secondary dwelling units to add an additional unit of density to a multi-family structure or two-family dwelling, and requires that the single-family residence with the secondary dwelling unit be owner-occupied.
- d. Requiring all pedestrian walkways in the mixed-use zones to be discretionary and have findings related thereto, makes their use in this manner an exception rather than allowed through administrative review; it gives the City more power to approve/deny such applications based on their merit on a case-by- case basis.
- e. Requiring temporary uses that are simple and benign in nature, such as non-profit fundraisers, yard sales, and community events to obtain written approval by the City Council is onerous and time-consuming; the decision should be administrative and delegated to staff, in this case the City Manager.
- f. Amending secondary dwelling units to be permitted and conditional uses, determined by the zone makes the ordinance more consistent and non-contradictory.

Station Towns Rezone and Schematic Plan -56 South 1100 West

Eric Anderson provided some history on the application stated that the Planning Commission has reviewed this item in two separate public hearings. The first was an application for a rezone with a concept plan which was recommended for approval. The second, was a subdivision schematic plan. Staff determined it was best to present both to the City Council for action, rather than separately. The current zoning is AE, which allows for single family residential homes on one-acre minimum lots under a conventional subdivision. Under current zoning, only one home could be built on the property. He noted that the property was originally purchased by Henry Walker Homes for the developer to run a trunk-line for sewer.

The applicant would like to mirror the Avenues at the Station project with 7 units. **Eric Anderson** noted that approval of the schematic would be dependent on the rezone. He said that with the constraints of the gas lines, easements and right of way issues, one home would not be the best use of the property and it is too constrained for commercial development. He noted that the property was originally purchased by Henry Walker Homes for the developer to run a trunk-line for sewer.

Eric Anderson noted if the Council denied the rezone, finding 3 should be removed as it relates to the schematic plan.

Brock Loomis, 2175 East Wild Pine Drive, Uintah, spoke on behalf of Jack Fisher Companies. He noted that they retained ownership of the piece and have looked at several options for its use, but determined with easements in place that the townhomes would be a good fit. The project would be a continuation of the look and feel of the Avenues at Station Park. He stated that there was a 300 foot distance from Farmington Greens. **Brigham Mellor** asked what the square footage of the units would be. Brock Loomis did not know the exact measurements, but stated that they would be three story town homes which would be owner occupied.

Mayor Jim Talbot opened the public hearing at 7:25 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.

Brett Anderson stated that he was on the Planning Commission when the original townhomes were developed. He said there was a lot of consternation about high density housing, and was concerned over how three-story townhomes would look in the area. He recalled that this remaining parcel was not expected to be built on and it was anticipated that would remain open space. He stated that he hates to see it get “sucked into development” several years after the original approval.

Eric Anderson clarified that the subject property was not part of the Avenues at the Station project and was not counted toward the open space requirements. **Jim Talbot** asked if the property was to be used for storm drainage. **Eric Anderson** said that it was never intended to be storm water storage and noted that the retention basin for the Avenues at the Station is on the north end of the development, until litigation can be settled which seeks to use property across the DR&G trail for retention.

Brigham Mellor said that what is currently there is great and makes sense with the dense housing closest to the train station and then townhomes transitioning to two-story townhomes to the single-family units in the Greens. He would like to see what is there from east to west applied north to south along 1100 West (with two-story townhomes, or small single family homes). He indicated that he would not be in favor of the rezone without seeing a schematic that shows something similar. **Brigham Mellor** also expressed concern about rezoning without knowing what will happen with the Legacy Events Center.

Brett Anderson expressed that the decision boils down to what fits and his reaction to the proposal is that it is too much. He expressed that it would be beneficial to have clarity about the drainage in the area before a rezone is considered.

Doug Anderson stated that he was getting calloused and does not feel that it is the Council's responsibility to bail out a bad purchase or a bad inheritance. He stated that townhomes do not match the surrounding area. He said that the plan does not look or feel right, and that just because it is an awkward piece of land does not mean the Council needs to approve the plan as it is.

Cory Ritz said he agreed with what the other Councilmembers have shared and noted that it was anticipated that this piece would have a less intense use than the surrounding development. He was concerned about setting a precedent with remnant pieces of property being rezoned to allow more density. He noted that he emailed his thoughts earlier and would be fine with having those entered into the record. He said he would be opposed to changing the zoning.

Motion:

Doug Anderson moved that the City Council deny the zoning map amendment of 1.1 acres of property, as defined by parcel identification number 080740073 located at approximately 56 South and 1100 West, from an AE (Agriculture Estates) zone to a RMU (Residential Mixed Use) zone and findings 1-4.

Brigham Mellor seconded the motion which was approved unanimously.

Findings for Denial:

1. The property was originally purchased by Henry Walker Homes as part of their Avenues at the Station project in order for the developer to run a sewer trunk-line directly into 1100 West without crossing the high-pressure gas-lines. The intent was never to continue the Avenues at the Station project to the south.
2. Denying the rezone does not constitute inverse condemnation, because the value of the property was so that the original developer of the Station Avenues project did not have to go to the expense of bridging high-pressure gas lines for sewer and water.
3. The proposed rezone is not consistent with the General Plan.
4. For other reasons as discussed by the City Council.

NEW BUSINESS:

General Plan Amendment- Portions of the DR Designation- 600 South 1525 West (Woodside Homes)

Eric Anderson reviewed the history related to the Hughes (Flat Rock) property and the Stoddard Property. Ivory Homes previously submitted an application requesting that the City amend its General Plan to allow for a higher density of development of the Flat Rock property. The

Planning Commission recommended denying the amendment, citing the forthcoming Record of Decision from UDOT regarding the alignment of the West Davis Corridor. As there is now a Record of Decision the property owners Jonathan Hughes and Lynn Stoddard and reapplying for the whole of these two parcels to be re-designated from DR to RRD on the General Plan. The Planning Commission proposed and recommended a fifth alternative motion, which included all DR properties to the north of the WDC alignment and east of the western boundary of the Hughes and Stoddard properties. The Planning Commission felt that since many of the conservation easements that are east and north of the WDC may go away as part of the UDOT condemnation process removing those properties that had either been developed or were under conservation easement was prudent. **Eric Anderson** indicated that the staff report details a number of alternative motions for the Council to consider.

Dave Millheim said that the highway will create a natural DR line, but the question is whether to base that on the record of decision or wait until the road is in place.

Garrett Seely, 367 East 280 South, Alpine, Utah, spoke on behalf of Woodside Homes. He noted that UDOT had already purchased 29 acres of property from Stoddard. They feel this is an indication that UDOT has set the line. The Hughes and Stoddard families now want to move forward and sell their properties. Garrett Seely indicated that UDOT has told them that the boundaries are set on the north end and they have sufficient wiggle room if shifting needs to happen to the south. He said that UDOT has purchased property for the overpass on 1525, the shoulder and the trail.

Brigham Mellor said that UDOT would have to be noticed if the property near the alignment has applied to be subdivided. He noted that the previous decision from the City was based on wanting to wait on the Record of Decision. He said that it would be unfair to further postpone a decision. He said that it is morally wrong to change the conservation easements into something that could be developed. He said that people have land affected by highway and they should be allowed to have development along with that if it fits. The property would still have to go through a planning process. **Doug Anderson** agreed with **Brigham Mellor**'s thoughts.

Brett Anderson said that there is risk involved but the property owners should be able to make informed decisions. **Cory Ritz** indicated that the City should wait to establish a demarcation line once the highway is in place. **Jim Talbot** expressed concern that UDOT has not finalized plans which could impact potential development plans.

Dave Millheim said that it would be frustrating to approve the plan and then have UDOT argue that they were not formally notified. The issue before the Council is amending the General Plan to establish the DR line in the area. He noted that he would notify UDOT in writing that this issue is under consideration.

Eric Anderson clarified that if the Council was considering Motion D., that an enabling ordinance would have to be considered at the next meeting related to the item as it was not contained in the staff report.

Motion:

Brigham Mellor moved that the City Council approve the General Plan amendment request which would change the designation on the General Land Use Plan map from DR to RRD related to the approximately 45 acres of property located at approximately 600 South 1525 West, as defined in application MP-2-18 and the attached vicinity maps; and findings for approval 1-6.

Doug Anderson seconded the motion. Councilmembers **Brigham Mellor**, **Brett Anderson** and **Doug Anderson** voted in favor of the motion; Councilmember **Cory Ritz** voted against the motion.

Findings for Approval:

1. The Record of Decision for the alignment of the West Davis Corridor is a compelling enough reason to amend the General Plan for the subject property and remove the Development Restriction designation thereon.
2. Sanitary Sewer is available to the site without the necessity of establishing a sewer lift station or individual sewer ejector pumps for each dwelling within what could be a proposed subdivision for the property.
3. The property is characterized by only some but not all factors set forth in the General Plan used to determine DR areas; that is, the property lacks quality tree stands, and berms, and there is no apparent storm drainage, culinary water, or transportation constraints.
4. Even though a large portion of the property is located in the FEMA flood plain, existing City practices dictate that owners may submit floodplain amendment applications as part of the development process.
5. The applicant may verify the non-existence of wetlands later as part of the development process.
6. City Staff will notify the Utah Department of Transportation about the General Plan Amendment as it relates to the development line.

Summerfest Donation

Holly Gadd said that the City has received an application for a \$1,500 donation for Summerfest citing increased attendance. In speaking with **Keith Johnson**, **Holly Gadd**, said that Farmington has not donated in the past 8 years as the Council wanted to keep the money dedicated to the City's own arts programs.

Motion:

Brigham Mellor moved that the City Council deny the request for a \$1,500 donation to the Bountiful Davis Art Center for Summerfest.

Brett Anderson seconded the motion which was approved unanimously.

Ordinance Adopting Water Supply Shortage and Drought Condition Measures

Larry Famuliner said that two years ago the City adopted a water shortage plan which has since expired. In anticipation of a water shortage, Staff is recommending that the City adopt a water shortage and drought condition measures ordinance. He noted that the first stage is advisory with an emphasis on educating consumers about conservation through the City newsletter, mailings, etc. The second stage would prohibit outdoor use of culinary water. The third stage is to limit culinary water for essential health and safety functions. The City Manager would recommend to the City Council when the City is to implement any water restrictions, but having the policy in place will save time if that process is needed.

Jim Talbot shared that Weber Basin is doing a water supply educational event and tour on June 6 from 7:30am to 4:00 pm.

Motion:

Brett Anderson moved that the City Council adopt the water supply shortage and drought condition measures ordinance.

Doug Anderson seconded the motion which was approved unanimously.

SUMMARY ACTION:

1. Approval of Minutes from May 1, 2018
2. Right of Way Vacation and Purchase Agreement with Brian Call for .502 Acres of City Property Located Between Parcels 08-032-0090 & 08-032-0155 as Shown on the Davis County Land Records
3. Swain Subdivision Development Agreement - 1400 N and North Compton Road
4. Line of Duty Benefits for Public Safety

Brett Anderson moved, with a second from **Doug Anderson**, to approve summary action item 1 through 4 as contained in the staff reports.

The motion was approved unanimously.

GOVERNING BODY REPORTS:

City Manager Report

Dave Millheim directed the City Council to review the following items in the staff report.

- Weber Basin Watershed Tour - June 6th 7:30 am to 4:00 pm
- Building Activity Report for April
- Executive Summary for Planning Commission held May 3, 2018

1. Homelessness Legislation - Property Tax Increase
 - a. **Dave Millheim** said that this issue would be discussed later, but wanted to share with the Council about how other Cities are dealing with the tax increase being pushed down to the Cities by the State.
2. City Council Training June 5th
 - a. This training is required by the City's insurance carrier for risk management purposes. The training will take place at 5:30 on June 5th.
3. Lupine Park Question
 - a. Parks and Recreation staff currently maintains a small park that serves only a few homes. It is difficult to maintain and staff was proposing that the park be turned into a lot and sold. **Dave Millheim** wanted to discuss the issue with the Council about how to deal with the property. **Brigham Mellor** said that it would be a bad idea of the City to sell off the park and although it is tough to maintain, the issue needs more discussion. **Jim Talbot** said that these properties become a City problem with HOAs no longer want to maintain them. **Dave Millheim** said that he would work with **Neil Miller** to inventory the issue and bring forward to the City Council for a larger discussion.
4. TIGER Grant Follow-up
 - a. There is still not firm start date for the sidewalks near the high school, but it is a priority project for the team coordinating the schedule for the use of the Federal funds.

Mayor Talbot & City Council Reports

Councilmember Brett Anderson

Brett Anderson asked a clarifying question about the June agenda item related to an excise tax. **Dave Millheim** said that the bond parameters have been approved to finish the park. **Dave Millheim** said that he would check with **Keith Johnson** about why it was noticed as an excise tax.

Brett Anderson said that there are rumors circulating that the gym was over budget. **Dave Millheim** confirmed that the gym was under budget and on time. **Jim Talbot** said that the City has used its own crews to complete the work which has kept costs down.

Councilmember Cory Ritz

No updates to report.

Councilmember Doug Anderson

Doug Anderson said that he was approached by someone interested in redoing the skate park. **Doug Anderson** said that he would set up a time to discuss the skate park with **Dave Millheim** and **Neil Miller**.

Councilmember Brigham Mellor

No updates to report.

Mayor Jim Talbot

Jim Talbot reminded the Council of the ribbon cutting at the Regional Park on May 23rd at 4 p.m. which will open the grass and play area for use.

Jim Talbot wanted to draw attention to the decision through the budget process that the City is no longer going to have the Miss Farmington pageant. **Jim Talbot** said that there was a lack of community involvement in the event which has made it difficult to sustain.

ADJOURNMENT

Motion:

At 9:03 p.m., **Doug Anderson** moved to adjourn the meeting.

Holly Gadd
City Recorder

Posted 06/13/2018